

REMARKS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 2-8, 10-14, 23-29, 31-35 and 43-58 are pending in this application.

Allowable Subject Matter:

Applicant notes with appreciation the indication that claims 4, 7-8, 25, 28-29 and 43-44 are allowable.

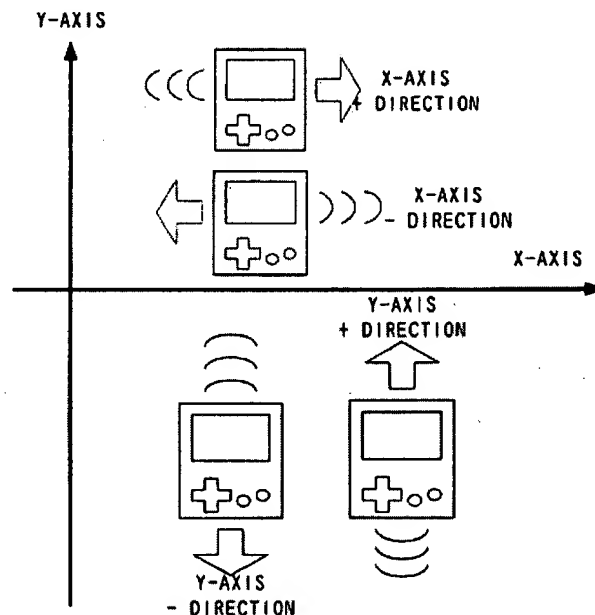
Rejection Under 35 U.S.C. §102:

Claims 2-3, 5-6, 10-14, 23-27, 31-35 and 45-54 were rejected under 35 U.S.C. §102 as allegedly being anticipated by Chiang Shiung-Fei (U.S. '376, hereinafter "Fei").¹ Applicant respectfully traverses this rejection.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574 (Fed. Cir. 1986). Fei fails to disclose every claim element of the claimed invention. For example, Fei fails to disclose or even suggest a character control program which moves a character within displayed game space at a movement speed based on at least one of an amount and a direction of an **sliding** movement applied to a

¹ While the first line of section 2 of the Office Action indicates that claim 25 has been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Fei, other parts of the Office Action (section 7 and Form PTOL-326) clearly indicate that claim 25 is allowable. In other words, Applicant believes that the indication of claim 25 as a rejected claim in the first line of section 2 of the Office Action is a typographical error. Clarification is requested if this is incorrect.

housing held by a player so that the character changes position relative to the displayed game space, as required by independent claims 3 and 24. Fei does not disclose applying sliding movement to a housing to move a character at all. Indeed, mounting Fei's gun housing 14 to base portion 12 is likely to inhibit sliding movement. Fei's base portion 12, including disk shaped base portion 20 which is "stabilized" by leg extensions 24a-24c (see col. 3, lines 52-62), teaches away from sliding movement. Sliding movement is supported by, for example, pages 19-20 of the specification and Fig. 9 (reproduced below) of the application which shows sliding movement of a housing in an X-axis direction or a Y-axis direction.



Moreover, Fei also fails to disclose or even suggest "said character control program moves the moving character within the displayed game space at a moving

speed related to the at least one of an amount and a direction of a tilt applied to said housing so that the moving character changes position relative to the displayed game space based on the at least one of an amount and a direction of tilt applied to the housing and continues to change position relative to the displayed game space based on the at least one of an amount and a direction of tilt applied to the housing even if the tilt is maintained at a constant tilted state,” as required by independent claim 2. Independent claim 23 requires a similar limitation.

While Fei discloses changing the perspective view of an entire game space, the perspective view does not continue to change if the tilting of Fei’s housing is maintained at a constant state. In contrast, claims 2 and 23 explicitly require that a character may continue to move within the displayed game space even if the housing is maintained in a constant tilted state.

The following example illustrates the differences of this feature of claims 1 and 23 over Fei. Suppose Fei’s gun is initially pointed in the 12 o’clock direction at time t1. If Fei’s gun is tilted in the counterclockwise (direction 42b) to point at 11 o’clock at a later time t2, then the view or sight of the game space is changed. However, if Fei’s gun is maintained at the same 11 o’clock position (i.e., still tilted with respect to the original 12 o’clock position) at an even later time t3, then the view or sight of the game space is remains the same as that shown at time t2 (i.e., view or sight is maintained at a constant state). In contrast, a character (e.g., ball

61 in Fig. 8 of the present application) may continue to move within the displayed game space even if the housing is maintained in the same tilted state.

Even if the Fei's housing of gun 14 is moved in direction of the first or second arc 42a-42b or 44a-44b, only the entire view or sight of the game space is changed. The state within the game space is not changed. In contrast, a state within the game space is changed in the present invention when the housing held by a player is tilted (claims 2 and 23) or moved (claims 3 and 24). Namely, a character is moved *within* a displayed game space at a movement speed related to at least one of an amount and a direction of a housing tilted or moved so that the *character changes position relative to the displayed game space*. When the housing is tilted or moved, the position of the character within the displayed game space is changed.

Again, what is changed as a result of Fei's gun housing movement is merely a change in perspective view. Only the perspective view or sight is changed as a result of tilting the housing, and not the position of a character within the displayed game space as claimed.

New claims:

New claims 55-58 have been added. These claims are believed to be allowable at least by virtue of being dependent from independent claim 2, 3, 23 or 24. These claims further require that the character control program moves the moving character so that the moving character collides with another object in the

MASUYAMA et al.
Application No. 09/677,577
August 24, 2007

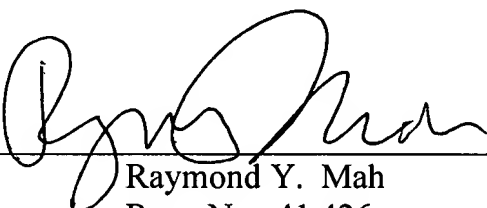
virtual game space. In contrast, Fei's indicium 76 is a mere index, and not a character capable of colliding with another object (e.g., wall or other character). That is, a collision with the indicium 76 is not detected and does not for example result in destruction of the indicium 76 and/or other object or any other type of reaction.

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Raymond Y. Mah
Reg. No. 41,426

Rym/dmw
901 North Glebe Road, 11th Floor
Arlington, VA 22203
Telephone: (703)816-4044
Facsimile: (703)816-4100